

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
1:22cv207-MOC

**THIS MATTER** comes before the Court on pro se Plaintiff's "Objection" (Doc. No. 5) to the magistrate judge's Order and Recommendation dated March 23, 2022, in which the Honorable Joe L. Webster recommended that this action be dismissed without prejudice to Plaintiff filing a new Complaint on the proper forms.<sup>1</sup> (Doc. No. 2).

Also pending are the following motions by Plaintiff: Letter Motion titled “Motion for Recall of a Premature Judgment on 3/23/22” (Doc. No. 6); Application to Proceed IFP (Doc. No. 7); Motion titled “Motion for Show Cause Orders to Forthwith Do Issue on NCDPS Prisons Director Todd Ishee, Motion for Discovery, of all Grievances Filed” (Doc. No. 17); and Motion for Relief and Motion for Show Cause Order (Doc. No. 18).

Finding that the magistrate judge's decision is wholly consistent with current case law, the Court will overrule Plaintiff's Objection and affirm the magistrate judge's Order. Furthermore, the

<sup>1</sup> The Court was delayed in ruling on Plaintiff's Objection because he appealed the magistrate judge's Order and Recommendation, depriving this Court of jurisdiction pending the appeal. The Fourth Circuit Court of Appeals dismissed the appeal on November 2, 2022, and issued its mandate on December 27, 2022. (Doc. Nos. 19, 21).

Court denies that remaining motions filed by Plaintiff as either without merit, frivolous, or nonjusticiable.

**IT IS, THEREFORE, ORDERED** that:

- (1) Plaintiff's Objection (Doc. No. 5), is **OVERRULED**, and the magistrate judge's Order and Recommendation (Doc. No. 2) is affirmed and adopted in full. Therefore, this action is dismissed without prejudice.
- (2) Plaintiff's remaining motions are all **DENIED**: Letter Motion titled "Motion for Recall of a Premature Judgment on 3/23/22" (Doc. No. 6); Application to Proceed IFP (Doc. No. 7); Motion titled "Motion for Show Cause Orders to Forthwith Do Issue on NCDPS Prisons Director Todd Ishee, Motion for Discovery, of all Grievances Filed" (Doc. No. 17); and Motion for Relief and Motion for Show Cause Order (Doc. No. 18).
- (3) This action is **DISMISSED** without prejudice.

This, the 29<sup>th</sup> day of March, 2023.



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United States District Judge